

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TYSON MARSHEK,

Plaintiff,

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T-MOBILE USA, INC.

Defendant.

CASE NO. C11-5476-RJB-JRC

REPORT AND RECOMMENDATION

NOTED FOR OCTOBER 28, 2011

This 15 U.S.C. § 1681 Fair Credit Reporting Act action, has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §§ 636 (b)(1)(A) and (B) and Local Magistrate Judge Rules MJR 1, MJR 3, and MJR 4. Prior to any defendant appearing in the action plaintiff has moved to dismiss the action with prejudice (ECF No. 9). Plaintiff states that the parties have reached an agreement.

Pursuant to Fed. R. Civ. P. 41 (a)(1)(A) plaintiff has an absolute right to dismiss his action prior to an answer or motion for summary judgment being filed. The court

1 therefore recommends the action be dismissed. The dismissal is with prejudice pursuant
2 to the plaintiff's own request (ECF No. 9).

3 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have
4 fourteen (14) days from service of this Report to file written objections. See also Fed. R.
5 Civ. P. 6. Failure to file objections will result in a waiver of de novo review by the
6 District Court Judge. See, 28 U.S.C. 636 (b)(1)(C). Accommodating the time limit
7 imposed by Rule 72(b), the clerk is directed to set the matter for consideration on October
8 28, 2011, as noted in the caption.

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10 Dated this 27th day of September, 2011.

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14 J. Richard Creatura
15 United States Magistrate Judge
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